

**STATE OF TEXAS  
COUNTY OF DENTON  
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a regular session on September 19, 2017 at 5:30 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor  
Tracee Elrod, Councilmember Place 1  
Richard DuPree, Councilmember Place 2  
Chris Gordon, Councilmember Place 3 arrived at 5:35 p.m.  
Paul Kenney, Mayor Pro Tem  
Ian Theodore, Councilmember Place 5 arrived at 5:40 p.m.

Also in attendance were:

John M. Smith, Jr., Town Administrator  
Kristi K. Rogers, Town Secretary  
Carey Dunn, Chief of Police  
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 5:32 p.m.

The Town Council convened into executive session at 5:34 p.m. and reconvened at 6:25 p.m. No action was taken on matters discussed.

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Councilmember Kenney gave the invocation.

**Presentation of Awards**

Mayor Clark presented plaques of appreciation to Gabriel Flores and Gunner Lewis for completion of Eagle Scout projects in Hickory Creek.

**Items of Community Interest**

See You at the Station will be held at town hall on September 20, 2017 at 7:00 a.m. The community is invited to attend.

The Cowboy Car Show will be held on September 23, 2017 from 10:00 a.m. until 3:00 p.m. at Bentley Station in Lake Dallas. The event will benefit the Assist the Officer Foundation in Dallas, Texas.

The Parks and Recreation Board will host a Halloween event in Sycamore Bend Park on October 21, 2017 from 5:00 p.m. until 9:00 p.m. The event is family friendly and activities for all ages are planned.

Lake Cities Seniors meet every Tuesday from 10:00 a.m. until 12:00 p.m. at Lake Dallas City Hall. The group plays games followed by a potluck luncheon.

A fundraiser will be held on November 6, 2017 from 5:00 p.m. until 9:00 p.m. at Chilitos Mexican Restaurant in Lake Dallas to benefit the Hickory Creek Animal Shelter.

**Public Comment**

Ron Furtick, 1500 Turbeville Road, stated six months ago, he watched as the council passed a new law. He believes he has complied with this new law. He fully intends to continue complying in the future. Without a vibrant downtown providing retail sales tax, the town council will be forced to raise taxes on property owners in town every year like clockwork for decades to come. He would like for the council to change the zoning on his property to create a walkable downtown area. Mr. Furtick stated If the council continues to harass him and his business interest, he will ground lease his property for the next 50 years to the highest bidder based on the current zoning.

John Moore, 155 Overly Drive, Lake Dallas, is an independent associate with LegalShield. He stated the recent Equifax data breach could affect 143 million people. LegalShield offers a voluntary benefit for employees to help reduce absenteeism, to increase productivity and help reduce stress. He would like the opportunity to meet with the decision makers to offer LegalShield to employees.

**Item B - Public Hearing**

**B (1) - Public Hearing: To hear public opinion on the proposed 2017--2018 Fiscal Year Budget.**

Mayor Clark called the public hearing to order at 6:41 p.m.

Ron Furtick, 1500 Turbeville Road, stated he was not opposed to the budget. He worries homeowners will pay for the increased budget. He prefers economic development. He has explained over the years that creating economic development is difficult. A partnership between the town, developers, the retailers and restaurants tenanting the commercial center must be developed. His definition of success includes big budgets with new revenue from economic development. His definition of failure is no restaurants, no retail development and homeowners constantly being forced to pay higher and higher tax bills every year.

With no one else wishing to speak, Mayor Clark closed the public hearing at 6:45 p.m.

**Item C – Consent Agenda Items**

1. August 2017 Council Meeting Minutes
2. August 2017 Financial Statements
3. Consider and act on an ordinance of the Town Council of Hickory Creek, Texas, amending the Town's Code of Ordinances, Chapter 8: Offenses and Nuisances; Article 8.09, Restrictions on Sex Offenders by amending Section 8.09.02 Sex Offender Residency Prohibition.

**Motion:** made by Councilmember DuPree to approve consent agenda Items C1 - C3. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**Item D – Regular Agenda Items**

**D (1) - Consider and act on an ordinance of the Town of Hickory Creek, Texas annexing the hereinafter described territory to the Town of Hickory Creek, Denton County, Texas commonly known as the Steeplechase North Addition and extending the boundary limits of said Town so as to include said Town Limits, and granting all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all the acts, ordinances, resolutions and regulations of said Town; and adopting a service plan.**

**Motion:** made by Councilmember Kenney to approve an ordinance of the Town of Hickory Creek, Texas annexing the hereinafter described territory to the Town of Hickory Creek, Denton County, Texas commonly known as the Steeplechase North Addition and extending the boundary limits of said Town so as to include said Town Limits, and granting all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all the acts, ordinances, resolutions and regulations of said Town; and adopting a service plan.

Motion seconded by Councilmember Theodore.

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

Nays: None

**MOTION PASSED UNANIMOUSLY**

**D (2) - Consider and act on a resolution of the Town Council of the Town of Hickory Creek updating the Hickory Creek Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll - Maintenance/Services.**

Mary Petty, P3Works, stated the Services and Assessment Plan – Maintenance/ Services dissolves the assessments for safety services and road maintenance which are no longer necessary with the annexation of the property.

**Motion:** made by Councilmember Gordon to approve resolution 2017-09-0919-1 as presented.

Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

**MOTION PASSED UNANIMOUSLY**

**D (3) - Consider and act on a resolution of the Town Council of the Town of Hickory Creek updating the Hickory Creek Public Improvement District No. 2 Service and Assessment Plan and Assessment Roll.**

**Motion:** made by Councilmember Gordon to approve Town of Hickory Creek resolution 2017-09-0919-2. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (4) - Consider and act on appointments to the Parks and Recreation Board.**

The town council interviewed Calin Giuroiu for the Parks and Recreation Board. Smita Pascual submitted an application but was unable to attend.

**Motion:** made by Councilmember Gordon to appoint Smita Pascual to Place 2 and Calin Giuroiu to Place 3 of the Parks and Recreation Board. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (5) - Consider and act on permit application from Wal-Mart, 1035 Hickory Creek Blvd., Hickory Creek, Texas 75065, for temporary storage containers for seasonal merchandise and related fees.**

**Motion:** made by Councilmember Theodore to approve the permit application from Wal-Mart for ten temporary storage containers with a fee of \$2,000. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (6) - First reading of a resolution of the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.0104 acre tract or tracts of land.**

Mayor Clark read the first reading of the resolution approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.0104 acre tract or tracts of land in amount of \$500,000.00.

**D (7) - Second reading of a resolution and consideration and action by the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.0104 acre tract or tracts of land.**

Mayor Clark read the second reading of the resolution approving a Type B economic development project by authorizing the Hickory Creek Economic Development Corporation to acquire approximately 1.0104 acre tract or tracts of land in amount of \$500,000.00.

**Motion:** made by Councilmember Theodore to approve resolution 2017-09-0919-3 in the amount of \$500,000.00, authorizing the EDC to acquire approximately 1.104 acre of property. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (8) - First reading of a resolution of the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by approving a performance agreement and related documents by and between the Hickory Creek Economic Development Corporation and Hard Sun V, Inc., a Texas corporation.**

Mayor Clark read the first reading of the resolution approving a Type B economic development project by approving a performance agreement and related documents by and between the Hickory Creek Economic Development Corporation and Hard Sun V, Inc., a Texas corporation.

**D (9) - Second reading of a resolution and consideration and action by the Town Council of the Town of Hickory Creek, Texas, approving a Type B economic development project by approving a performance agreement and related documents by and between the Hickory Creek Economic Development Corporation and Hard Sun V, Inc., a Texas corporation.**

Mayor Clark read the second reading of the resolution approving a Type B economic development project by approving a performance agreement and related documents by and between the Hickory Creek Economic Development Corporation and Hard Sun V, Inc., a Texas corporation.

**Motion:** made by Councilmember Gordon to approve resolution 2017-09-0919-4 as presented. Motion seconded by Councilmember DuPree.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (10) - Consider and act on a resolution of the Town Council of the Town of Hickory Creek establishing the Town of Hickory Creek Benefits Trust Fund; authorizing the trust agreement for the Town of Hickory Creek.**

**Motion:** made by Councilmember Gordon to approve resolution 2017-09-0919-5 as presented. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (11) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a development agreement by and between the Town of Hickory Creek and Westwood Residential.**

No action taken.

**Item E - Executive Session: The Town Council convened into executive session at 7:14 p.m. pursuant to Texas Government Code Section 551.071, Consultation with Attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation. and Section 551.074 Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

1. Review of individual employees' performance.
2. Discussion regarding certain real property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres located (South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road.)

**Item F - Reconvene into Open Session: The Town Council reconvened into open session at 9:44 p.m.**

**Motion:** made by Councilmember Elrod to approve individual employee reviews as presented. Motion seconded by Councilmember Theodore.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (12) - Consider and act on purchasing a patrol vehicle for the police department to include a light package, camera system, radar and in-car computer.**

**Motion:** made by Councilmember Kenney to approve purchasing a patrol vehicle for the police department to include a light package, camera system, radar and in-car computer as presented in an amount not to exceed \$52,408.00 utilizing Priority Public Safety. Motion seconded by Councilmember Elrod.

**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (13) - Consider and act on an ordinance adopting and approving the budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018; providing for expenditure of funds, providing for filing of budget and ordinance.**

**Motion:** made by Councilmember Kenney to approve an ordinance adopting and approving the budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018 as presented.

Motion seconded by Councilmember Elrod.

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

Nays: None

**MOTION PASSED UNANIMOUSLY**

**D (14) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek ratifying the property tax increase reflected in the fiscal year 2017-2018 budget.**

**Motion:** made by Councilmember Gordon to approve an ordinance of the Town Council of the Town of Hickory Creek ratifying the property tax increase reflected in the fiscal year 2017-2018 budget.

Motion seconded by Councilmember Theodore.

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

Nays: None

**MOTION PASSED UNANIMOUSLY**

**D (15) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2017 Certified Tax Roll for the Town of Hickory Creek; approving the 2017 Ad Valorem Tax Rate and Levying 0.366933 on each one hundred dollars of assessed valuation of all taxable property within the corporate limits of the Town for the fiscal year beginning October 1, 2017 and ending September 30, 2018.**

**Motion:** made by Councilmember Elrod to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, accepting the 2017 Certified Tax Roll for the Town of Hickory Creek; approving the 2017 Ad Valorem Tax Rate and Levying 0.366933 on each one hundred dollars of assessed valuation of all taxable property within the corporate limits of the Town for the fiscal year beginning October 1, 2017 and ending September 30, 2018. Motion seconded by Councilmember Dupree

Councilmember Elrod voted Aye.

Councilmember DuPree voted Aye.

Councilmember Gordon voted Aye.

Councilmember Kenney voted Aye.

Councilmember Theodore voted Aye.

Nays: None

**MOTION PASSED UNANIMOUSLY**

**D (16) - Consider and act on a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a mutual aid agreement by and between the Town of Hickory Creek and North Central Texas Public Works.**

**Motion:** made by Councilmember Theodore to approve a resolution authorizing the Mayor of the Town of Hickory Creek, Texas to execute a mutual aid agreement by and between the Town of Hickory Creek and North Central Texas Public Works. Motion seconded by Councilmember Elrod.  
**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (17) - Consider and act on proposals submitted for roof repairs and enhancements for the town hall facility.**

**Motion:** made by Councilmember Gordon to authorize the town administrator to accept and implement a proposal for roof repairs and enhancements for the town hall facility in an amount not to exceed \$25,000. Motion seconded by Councilmember Kenney.  
**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

**D (18) - Discussion regarding the Texas Oklahoma Patriot Shootout (T.O.P.S.)**

Discussion took place regarding the T.O.P.S event. Discussions included the town, not the parks and recreation board organizing the event, possible name change, enlisting volunteers, and donations.

**D (19) - Discussion regarding current road and sidewalk projects.**

John Smith, town administrator, provided an overview to council regarding current road and sidewalk projects.

**Item G – Adjournment**

**Motion:** made by Councilmember Kenney to adjourn the meeting. Motion seconded by Councilmember Elrod.  
**Ayes:** Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.  
**Nays:** None

**MOTION PASSED UNANIMOUSLY**

The meeting did then stand adjourned at 10:37 p.m.

Approved:

Attest:

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Lynn C. Clark, Mayor  
Town of Hickory Creek

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek